



1830 S. Acoma St., Denver, CO 80223, USA  
Tel: 303-322-2254 Fax: 303-322-2257 E-mail: ashley@cytoskeleton.com

8<sup>th</sup> October 2002.

RE: Application number 09/725,030 filing date 11-29-00  
Commissioner of Patents,  
USPTO  
Washington DC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY  
UNDER 37 CFR 1.137(a).**

Dear Patent Examiner

Here is the official petition for revival. Enclosed are:

Fee \$55.00.

2. Adequate showing of unavoidable delay (see below).

Adequate showing of unavoidable delay

As soon as it was apparent that the patent was deemed abandoned (see attached Letter dated July 31<sup>st</sup> 2002 to the USPTO) a letter was sent to revive it (letter dated 31<sup>st</sup> July 2002). We never received a letter alerting us to this point and that is witnessed by Dr. Kim Middleton (CEO & President) and myself. Cytoskeleton Inc. has eleven employees and in such a small company there are checks, payroll, insurance and USPTO letters delivered to the same address, therefore it is necessary for Dr. Kim Middleton and myself to open all the mail directly. Both Dr. Kim Middleton and myself state by signing below that neither of us has ever received a letter stating that Patent Application 09/725,030 was due for abandonment.

Yours sincerely,

Ashley Davis, Ph.D.  
Vice-President.

Kim Middleton, Ph.D.  
CEO & President

FAX RECEIVED

OCT 09 2002

PETITIONS OFFICE



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31<sup>st</sup> July 2002

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Dear Patent Examiner

After a phone call from Dr. David Lukton it appears that you sent a letter to our company in December 2001 (which we did not receive) concerning whether we want to abandon the aforementioned patent. This is clearly not the case, we have no intent of abandoning this patent. Please forward the latest correspondence for this patent to my attention using our Federal Express account 1768-6461-3 so that we may respond, thank you.

Yours, sincerely,

Ashley Davis, Ph.D.

PS - I have included the latest correspondence from Cytoskeleton Inc.

*When quality counts. Give us a call*



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|--------------------|-------------|-----------------------|------------------|
| 09/725,030         | 11/29/2000  | Ashley Stuart Davis   |                  |

CONFIRMATION NO. 8960



\*0000000008205752\*

Cytoskeleton Inc.  
c/o Ashley Davis  
1830 S. Acoma St.  
Denver, CO 80223

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OCT 09 2002

PETITIONS OFFICE

Title: Anti-S-phase tubulin ligands

Publication No. US-2002-0065229-A1

Publication Date: 05/30/2002

Date Mailed: 05/30/2002

## NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Crystal Gateway 4, Room 335, Washington, D.C. 20231, or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

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